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Atty Docket No. 018623-008020 US

EPI 0080.20 US

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1-703-305-3704

ATTENTION:

Examiner Marianne DiBrino, Ph.D.
Group Art Unit 1644

OFFICIAL

OFFICIAL COMMUNICATION**FOR THE PERSONAL ATTENTION OF****EXAMINER MARIANNE DiBRINO, Ph.D.****CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following RESPONSE TO OFFICE COMMUNICATION, in re Application of Sette et al., Serial No. 08/452,843, filed May 30, 1995, for HLA BINDING PEPTIDES AND THEIR USES is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Number of pages being transmitted, including this page: 3

Dated: July 20, 2000


Mary Green

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TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: (415) 576-0200
Fax: (415) 576-0300
SF 150004 v1
SF #1117575

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I hereby certify that this correspondence is being sent by facsimile transmission to:

Marianne DiBrino, Ph.D. at Fax No.: 703-305-3704 ³⁰¹⁴

On July 20, 2000

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By: [Signature]

PATENT
Attorney Docket No.: 18623-008020US
Client Reference No.: EPI 0080.20US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sette *et al.*

Application No.: 08/452,843

Filed: May 30, 1995

For: HLA BINDING PEPTIDES AND
THEIR USES

Examiner: Marianne DiBrino, Ph.D.

Art Unit: 1644

RESPONSE TO OFFICE
COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Communication mailed June 20, 2000, Applicants submit the following election of species with traverse.

Unfortunately, Applicants were not clear on what was to be elected in the prior Restriction Requirement and are not clear on what the Examiner is requesting here. The request for elections "where applicable" is not specific and causes confusion. Further, the Examiner is requesting election of physical characteristics of peptides made or selected by the methods claimed and not specific embodiments of the claimed methods as Applicants understand would be more appropriate.

Finally, regarding item 2, the Examiner has requested that Applicants choose *in vitro* or *in vivo* applications for different "testing, determining, contacting or complexing" steps. However, the claimed methods do not all have the same steps. Applicants simply cannot determine what is being requested. Applicants believe they have responded and do not

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understand how they can pick a method for a particular step when that method is different for different claims.


For example, the "determining" step of claim 115 is different from that of claim 139. Claim 115 recites, "determining binding affinity of the at least one peptide for an HLA molecule." Claim 139 recites, "determining whether the supermotif-bearing peptide is immunogenic for cytotoxic T lymphocytes." Further, claim 67 recites two "testing" steps in steps (d) and (e). Clarification of the request is necessary. Reconsideration of this requirement is strongly urged.

In an attempt to comply with the request and to be responsive Applicants elect, with traverse, an IC_{50} of less than about 500 nM. The election is traversed for the reasons set forth herein.

The rationale for imposition of the species requirement is also confusing. A search for prior art of potential relevance to claims that read on the elected species, methods relating to a peptide comprising an IC_{50} of less than 500 nM, includes any other species designated by the Examiner, each of which recite IC_{50} values of less than 500 nM. Therefore, a proper search encompassing the elected species would seem to be little different from the search performed if the present species restriction had not been required.

If the Examiner has any questions regarding this communication, or if the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Ellen Lauver Weber
Reg. No. 32,762

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
ELW/meg
SF 1117519 v1